

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LORRAINE HOLMES,

Plaintiff,

v.

Case No. 2:16-cv-16010

District Judge Denise Page Hood

Magistrate Judge Anthony P. Patti

THE CITY OF ROMULUS,
et al.,

Defendants.

**ORDER GRANTING PLAINTIFF'S MOTION FOR EXTENSION OF
TIME IN WHICH TO EFFECT SERVICE (DE 5)**

Plaintiff filed her complaint in this action on February 18, 2016, naming as Defendants the City of Romulus, John Leacher, and David Brooks. (DE 1.) Summons were issued to all named Defendants on February 19, 2016. To date, however, none of the Defendants have been served.

Plaintiff has therefore failed to perfect service over Defendant in accordance with Federal Rule of Civil Procedure 4(m), which provides in pertinent part as follows:

If a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

Fed. R. Civ. P. 4(m). Here, more than 90 days have lapsed since Plaintiff's November 5, 2015 complaint was filed.

This matter is before the Court for consideration of Plaintiff's motion for extension of time in which to effect service over Defendants. (DE 5.) In her motion, Plaintiff outlines the various difficulties she has experienced in trying to serve Defendants Brooks and Leacher. Specifically, those individuals are no longer employed by the City of Romulus and Plaintiff has been unable to determine their current addresses. Plaintiff also points out that, if the Court were not to grant an extension and to instead dismiss her claims without prejudice, the statute of limitations would expire. (DE 5 at 2.) She asks for an additional 45 days in which to attempt service over these Defendants.¹

The Court concludes that Plaintiff has shown good cause for a brief extension to the deadline under Rule 4(m). Accordingly, Plaintiff shall effect service over all Defendants **ON OR BEFORE JULY 2, 2016**.

IT IS SO ORDERED.

Dated: May 25, 2016

s/Anthony P. Patti

Anthony P. Patti

UNITED STATES MAGISTRATE JUDGE

¹ In the alternative, Plaintiff asks the Court to grant "alternate or substituted service or other relief," but does not specify what such alternate service may involve. This may be an area for Plaintiff to revisit more specifically if her attempts to serve Defendants continue to be fruitless.

I hereby certify that a copy of the foregoing order was sent to parties of record on May 25, 2016, electronically and/or by U.S. Mail.

s/Michael Williams

Case Manager for the
Honorable Anthony P. Patti